

Rongen, Teri

From: sop@cscinfo.com  
Sent: Thursday, November 30, 2017 9:51 AM  
To: Rongen, Teri  
Subject: Notice of Service of Process - Transmittal Number: 17456351



## NOTICE OF SERVICE OF PROCESS

**Transmittal Number: 17456351**  
(Click the Transmittal Number to view your SOP)

Pursuant to client instructions, we are forwarding this summary and Notice of Service of Process.

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Entity: Weyerhaeuser Company  
Entity I.D. Number: 0509502  
Entity Served: Weyerhaeuser Company  
Title of Action: Javier Delgado vs. Weyerhaeuser Company  
Document(s) type: Summons/Complaint  
Nature of Action: Personal Injury  
Court/Agency: Columbia County Circuit Court, Arkansas  
Case/Reference No: CV17-216-4  
Jurisdiction Served: Arkansas  
Date Served on CSC: 11/30/2017  
Answer or Appearance Due: 30 Days  
Originally Served On: CSC  
How Served: Certified Mail

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**Sender Information:**

Phil Votaw  
479-434-6200

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**Primary Contact:**  
Teri Rongen  
Weyerhaeuser Company

**Electronic copy provided to:**  
Carla Nelson-Hughes  
Joanie Curtis

To review other documents in this matter, please link to CSC's Matter Management Services at  
[www.cscglobal.com](http://www.cscglobal.com)



Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the document(s) and taking appropriate action.

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## Phil Votaw & Associates

Phillip L. Votaw, Attorney at Law

November 22, 2017

Via Certified Mail, Return Receipt Requested

Article No. 7011 0470 0003 5495 6022

Weyerhaeuser Company  
c/o Corporation Service Company, Registered Agent  
300 S. Spring St., Ste. 900  
Little Rock, AR 72201

RE: Javier Delgado v. Weyerhaeuser Company  
Columbia County Circuit Case No. CV-2017-216-4

Dear Sir:

Please find enclosed a Summons, Complaint, Interrogatories and Requests for Production of Documents and Requests for Admissions in the captioned matter. Please note the time constraints set forth and govern your actions accordingly.

If you have any questions or need anything further, please don't hesitate to contact my office. Thank you for your attention to this matter.

Very truly yours,  
Phil Votaw & Associates

A handwritten signature of "Phil" in cursive script.

Phil Votaw

PLV:mm

Enclosures as stated

MAILING ADDRESS  
PHIL VOTAW & ASSOCIATES  
9 NORTH 9<sup>TH</sup> STREET  
FORT SMITH AR 72901

IN THE CIRCUIT COURT OF COLUMBIA COUNTY, ARKANSAS  
CIVIL DIVISION

JAVIER DELGADO

PLAINTIFF

v.

CASE NO. CV-2017- 216-4

WEYERHAEUSER COMPANY

DEFENDANT

SUMMONS

The State of Arkansas to Defendant:

Weyerhaeuser Company  
c/o Corporation Service Company  
300 Spring St., Ste. 900  
Little Rock, AR 72201

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) – or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas – you must file with the clerk of this court a written answer to the complaint or motion under Rule 12 of the Arkansas Rules of Civil Procedure.

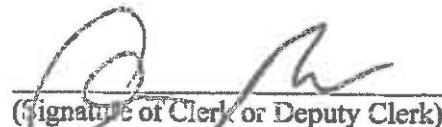
The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: Phil Votaw, Phil Votaw & Associates, 9 N. 9<sup>th</sup> St., Fort Smith, AR 72901.

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional Notices: Interrogatories and Requests for Production of Documents and Requests for Admissions



CLERK OF COURT

  
(Signature of Clerk or Deputy Clerk)

Address of Clerk's Office

1 Court Square, #3  
Magnolia, AR 71753

Date: 11-15-17

No. CV-2017-\_\_\_\_\_. This summons is for Weyerhaeuser Company (*name of Defendant*).

**PROOF OF SERVICE**

- I personally delivered the summons and complaint to the individual at \_\_\_\_\_  
(place) on \_\_\_\_\_ (date); or
- I left the summons and complaint in the proximity of the individual by \_\_\_\_\_  
after he/she refused to receive it when I offered it to him/her; or
- I left the summons and complaint at the individual's dwelling house or usual place of abode at  
\_\_\_\_\_ (address) with \_\_\_\_\_  
(name), a person at least 14 years of age who resides there, on \_\_\_\_\_ (date); or
- I delivered the summons and complaint to \_\_\_\_\_ (name of individual),  
an agent authorized by appointment or by law to receive service of summons on behalf of  
(name of defendant) on \_\_\_\_\_ (date); or
- I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the  
summons and complaint on the defendant by certified mail, return receipt requested, restricted  
delivery, as shown by the attached signed return receipt.
- I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of  
the summons and complaint by first-class mail to the defendant together with two copies of a notice  
and acknowledgement and received the attached notice and acknowledgement form within twenty  
days after the date of mailing.

Other (specify): \_\_\_\_\_

I was unable to execute service because \_\_\_\_\_

My fee is \$ \_\_\_\_\_.

To be completed if service is by a sheriff or deputy sheriff:

Date: \_\_\_\_\_

SHERIFF OF \_\_\_\_\_ COUNTY, OK

By: \_\_\_\_\_  
(Signature of Server)

\_\_\_\_\_  
(Printed name, title and badge number)

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Server)

\_\_\_\_\_  
(Printed Name)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Subscribed and sworn to before me this date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Additional information regarding service or attempted service:  
\_\_\_\_\_  
\_\_\_\_\_

IN THE CIRCUIT COURT OF COLUMBIA COUNTY, ARKANSAS  
CIVIL DIVISION

FILED  
2017 NOV 15 PM 2:40

*[Signature]*  
COLUMBIA COUNTY AR  
PHILLIS DISOTELL  
CIRCUIT CLERK

JAVIER DELGADO

v.

CASE NO. CV 17-216-4

WEYERHAEUSER COMPANY

DEFENDANT

COMPLAINT

COMES NOW, the Plaintiff, Javier Delgado, by and through his attorney, Phil Votaw, of Phil Votaw & Associates, and for this cause of action against the Defendant, Weyerhaeuser Company, states:

1. That Plaintiff, Javier Delgado (hereinafter "Delgado") is a resident of Moore, Oklahoma.
2. That Defendant, Weyerhaeuser Company (hereinafter "Weyerhaeuser"), is a company licensed to do business in the State of Arkansas.
3. That the incident, described below, occurred in Columbia County, Arkansas, and that jurisdiction and venue are proper.
4. On May 29, 2015, Weyerhaeuser owned, operated, managed and/or maintained or had a duty to own, operate, manage and/or maintain, both individually and by and/or through its agents, servants and/or employees, a certain premise located at 101 E. Columbia Road 14, Emerson, Arkansas.
5. At the aforesaid time and place, the Plaintiff, Javier Delgado, was lawfully on said premises as a business invitee.

6. At the aforesaid time and place, Weyerhaeuser, individually and/or by and through its agents, servants and/or employees did not maintain the aforementioned premises, including the parking lots, entrances and exits in such a manner where the areas would not cause a slip, trip, or fall hazard.

7. At the aforesaid time and place, as the Plaintiff, Javier Delgado exited his semi-truck, he stepped into a hole in the parking lot, a latent defect. This latent defect caused his foot and ankle to break, causing severe and permanent injuries.

8. At the aforesaid time and place, Weyerhaeuser, individually and/or by and through its agents, servants and/or employees, had a duty to maintain the aforementioned premises, including said parking lots, entrances and exits, in a reasonably safe condition and free from any latent defects for persons lawfully on said premises, to include the Plaintiff herein.

9. At the aforesaid time and place, Weyerhaeuser, by and through its agents, servants and/or employees, disregarding said duty caused the parking lots, entrance and exits to become unsafe to render the parking lots, entrance and exits dangerous and unsafe for use, and as a result of this dangerous condition and latent defect, the Plaintiff stepped in a hole in the parking lot as he was exiting his vehicle.

10. At the aforesaid time and place, Weyerhaeuser, as the maintainer of the premises, either individually or by and through its agents, servants and/or employees acted with less than reasonable care and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

(a) Improperly operated, managed, maintained and controlled the parking lots, entrance and exits on the premises;

- (b) Failed to provide safe surfaces on the aforementioned parking lots, entrance and exits and failed to provide surfaces free of hazards and/or latent defects on the premises for an unreasonable length of time
- (c) Failed to warn the Plaintiff and other persons lawfully on said premises of the dangerous condition when Defendant knew, or should have known, in the exercise of ordinary care, that said warning was necessary to prevent injury to the Plaintiff;
- (d) Failed to make a reasonable inspection of its premises when it knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on said premises;
- (e) Allowed the aforementioned premises to remain in a dangerous condition, making the parking lots, entrance and exits unfit for passage for an unreasonable length of time.
- (f) Was otherwise careless and negligent in the operation of its premises.

11. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, Weyerhaeuser, the Plaintiff, Javier Delgado, sustained severe and permanent injuries; and was and will be hindered and prevented from attending to his usual duties and affairs of life, and has lost and will in the future lose value of that time as aforementioned.

12. As a direct and proximate result of the aforesaid careless and negligent acts of the Defendant, Weyerhaeuser, the Plaintiff, Javier Delgado, then and there suffered great pain and anguish, both in mind and body and will in the future continue to suffer; has undergone medical care and treatment and will certainly continue to undergo medical care

and treatment in the future as a result of his injuries; has incurred medical expenses in the past and will certainly continue incurring medical expenses in the future; all to his detriment, any and all other damages to which Plaintiff is entitled to under the law, in an amount to be determined by a jury.

WHEREFORE, the Plaintiff, Javier Delgado, prays for judgment against the Defendant, Weyerhaeuser Company, in such an amount more than this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for his injuries, losses and damages as herein above alleged, costs of suit, and any further relief which this Honorable Court finds fair and just.

**PLAINTIFF DEMANDS TRIAL BY JURY. ATTORNEY LIEN CLAIMED.**

PHIL VOTAW & ASSOCIATES



Phil Votaw, ABA #2000163  
9 North 9<sup>th</sup> Street  
Fort Smith, AR 72901  
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